

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GEORGE CLARK, *et al.*,

Plaintiffs,

v.

ANTHONY ABDALLAH, *et al.*,

Defendants.

Case No. 21-cv-10001

Honorable Victoria A. Roberts

Magistrate Judge Elizabeth A. Stafford

ORDER TO SHOW CAUSE

Defendants Anthony Abdallah and Kevin Smith move for an order directing non-party Tammy Wiseman to show cause why she should not be held in contempt for failing to appear at her deposition.

Defendants served a subpoena and notice of deposition setting Wiseman's deposition for January 2022. ECF No. 80-2, PageID.2375. A return receipt shows that Wiseman received the subpoena several weeks in advance. ECF No. 80-3, PageID.2385. Defense counsel made several attempts to contact Wiseman to confirm her deposition but were unable to reach her. ECF No. 80, PageID.2366-2367; ECF No. 80-5, PageID.2389. Wiseman did not appear for her deposition. ECF No. 80-6, PageID.2394.

Wiseman then contacted defense counsel and indicated that she would be available for a deposition in March 2022. ECF No. 80, PageID.2367. Defense counsel served a second subpoena and notice of deposition setting Wiseman's deposition for the agreed date. ECF No. 80-7, PageID.2399. Defense counsel did not attach a return receipt for this subpoena. Again, Wiseman did not appear for the deposition. ECF No. 80-8, PageID.2416.

Wiseman is **ORDERED** to appear for a hearing on May 19, 2022 at 4:00 p.m. to show cause why she should not be held in contempt for failing to appear at her deposition. Failure to appear may result in a recommendation for an order of contempt. The Court further **ORDERS** defendants to serve a copy of this order on Wiseman via certified mail and to file notice of doing so, by May 4, 2022.

s/Elizabeth A. Stafford
ELIZABETH A. STAFFORD
United States Magistrate Judge

Dated: May 3, 2022

NOTICE TO PARTIES ABOUT OBJECTIONS

Within 14 days of being served with this order, any party may file objections with the assigned district judge. Fed. R. Civ. P. 72(a). The district judge may sustain an objection only if the order is clearly erroneous

or contrary to law. 28 U.S.C. § 636. **“When an objection is filed to a magistrate judge’s ruling on a non-dispositive motion, the ruling remains in full force and effect unless and until it is stayed by the magistrate judge or a district judge.”** E.D. Mich. LR 72.2.

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court’s ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on May 3, 2022.

s/Marlana Williams
MARLENA WILLIAMS
Case Manager